

House Study Bill 77 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act relating to access to a copy of an original birth
2 certificate by an adult adoptee, and providing for fees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 144.24, Code 2019, is amended to read as
2 follows:

3 **144.24 Substituting new for original birth certificates —**
4 **inspection.**

5 1. If a new certificate of birth is established, the actual
6 place and date of birth shall be shown on the certificate. The
7 certificate shall be substituted for the original certificate
8 of birth. ~~Thereafter,~~

9 2. Following substitution of the original certificate of
10 birth with a new certificate of birth, the original certificate
11 and the evidence of adoption, paternity, legitimation, or sex
12 change shall not be subject to inspection except under order of
13 a court of competent jurisdiction, including but not limited
14 to an order issued pursuant to [section 600.16A](#), as provided
15 in section 144.24A, or as provided by administrative rule for
16 statistical or administrative purposes only. ~~However,~~

17 3. Notwithstanding subsection 2, the state registrar shall,
18 upon the application of an adult adopted person, a biological
19 parent, an adoptive parent, or the legal representative of the
20 adult adopted person, the biological parent, or the adoptive
21 parent, inspect the original certificate and the evidence of
22 adoption and reveal to the applicant the date of the adoption
23 and the name and address of the court which issued the adoption
24 decree.

25 **Sec. 2. NEW SECTION. 144.24A Access to original birth**
26 **certificate — application — fees — contact preference form.**

27 1. Notwithstanding any provision of law to the contrary,
28 an adult adopted person who was born in this state and whose
29 original certificate of birth was substituted with a new
30 certificate of birth pursuant to section 144.24 based upon the
31 adoption, may apply for and obtain a noncertified copy of the
32 persons' original certificate of birth in accordance with this
33 section.

34 a. The adult adopted person shall be at least eighteen years
35 of age at the time the application is filed.

1 *b.* The adult adopted person shall file a written application
2 on a form and in the manner prescribed by the state registrar
3 with the state registrar requesting a noncertified copy of the
4 original certificate of birth.

5 *c.* Upon receipt of the written application and proof of
6 identification and payment of a fee, the state registrar shall
7 issue a noncertified copy of the original certificate of birth
8 to the applicant. At the time of such issuance, the state
9 registrar shall also provide to the applicant any contact
10 preference form completed and submitted to the state registrar
11 pursuant to subsection 2.

12 2. *a.* The state registrar shall develop a contact
13 preference form on which a biological parent may state a
14 preference regarding contact by an adult adopted person
15 following application for and issuance of the noncertified copy
16 of the original certificate of birth under this section. The
17 preferences available to the biological parent shall include
18 all of the following, from which the biological parent may
19 choose only one:

20 (1) "I would like to be contacted. I have completed this
21 contact preference form and am filing the form with the state
22 registrar. I may change this preference by filing a subsequent
23 contact preference form with the state registrar."

24 (2) "I would prefer to be contacted only through an
25 intermediary. I would like the following named individual
26 or entity to act as an intermediary. I have completed this
27 contact preference form and am filing the form with the state
28 registrar. I may change this preference by filing a subsequent
29 contact preference form with the state registrar."

30 (3) "I do not want to be contacted; however, my personally
31 identifiable information may be released if requested in
32 accordance with Iowa Code section 144.24A. I have completed
33 this contact preference form and am filing the form with the
34 state registrar. I may change this preference by filing a
35 subsequent contact preference form with the state registrar."

1 *b.* The contact preference form shall be provided to the
2 biological parent in accordance with section 600A.4.

3 *c.* Upon receipt of a completed contact preference form, the
4 state registrar shall attach the completed form to the original
5 certificate of birth.

6 3. The state registrar shall adopt rules pursuant to chapter
7 17A to administer this section including rules relating to all
8 of the following:

9 *a.* Establishment of fees pursuant to section 144.46 for
10 issuance of the noncertified copy of the original certificate
11 of birth under this section.

12 *b.* The application form and proof of identification
13 requirements relative to application for a noncertified copy of
14 an original certificate of birth.

15 *c.* The contact preference form.

16 Sec. 3. Section 600.13, subsection 5, Code 2019, is amended
17 to read as follows:

18 5. *a.* An interlocutory or a final adoption decree shall be
19 entered with the clerk of court. Such decree shall set forth
20 any facts of the adoption petition which have been proven to
21 the satisfaction of the juvenile court or court and any other
22 facts considered to be relevant by the juvenile court or court
23 and shall grant the adoption petition. If so designated in
24 the adoption decree, the name of the adopted person shall be
25 changed by issuance of that decree.

26 *b.* The clerk of the court shall, within thirty days of
27 issuance, deliver one certified copy of any adoption decree
28 to the petitioner, at no charge, one copy of any adoption
29 decree to the department and any adoption service provider
30 who placed a minor person for adoption, at no charge, and one
31 ~~certification~~ certified copy of any adoption decree to the
32 state registrar of vital statistics to prepare a certificate
33 of adoption birth as prescribed in section 144.19 ~~to the state~~
34 ~~registrar of vital statistics at no charge.~~

35 *c.* Upon receipt of the ~~certification~~ certified copy of the

1 adoption decree, the state registrar shall prepare a new birth
2 certificate pursuant to section 144.23 and shall do one of the
3 following, as applicable:

4 (1) Deliver to the parents named in the decree a copy of
5 the new birth certificate along with a document, developed and
6 furnished by the department, listing all postadoption services
7 available to adoptive families in the state.

8 (2) Deliver to any adult person adopted by the decree a copy
9 of the new birth certificate.

10 d. Upon receipt of the certified copy of the adoption
11 decree, the state registrar shall also attach a copy of any
12 contact preference form included with the certified copy to
13 the original certificate of birth for the purposes of section
14 144.24A.

15 ~~d.~~ e. The parents shall pay the fee prescribed in section
16 144.46.

17 ~~e.~~ f. If the person adopted was born outside this state
18 but in the United States, the state registrar shall forward
19 the certification of adoption to the appropriate agency in the
20 state of birth.

21 ~~f.~~ g. A copy of any interlocutory adoption decree vacation
22 shall be delivered and another birth certificate shall be
23 prepared in the same manner as a certification of adoption is
24 delivered and the birth certificate was originally prepared.

25 Sec. 4. Section 600.16A, subsection 2, unnumbered paragraph
26 1, Code 2019, is amended to read as follows:

27 ~~All~~ With the exception of access to the original certificate
28 of birth as provided in section 144.24A, all of the papers and
29 records pertaining to a termination of parental rights under
30 chapter 600A and to an adoption shall not be open to inspection
31 and the identity of the biological parents of an adopted
32 person shall not be revealed except under any of the following
33 circumstances:

34 Sec. 5. Section 600A.4, subsection 2, Code 2019, is amended
35 by adding the following new paragraph:

1 preference by filing a subsequent contact preference form with
2 the state registrar." (2) "I would prefer to be contacted
3 only through an intermediary. I would like the following
4 named individual or entity to act as an intermediary. I have
5 completed this contact preference form and am filing the form
6 with the state registrar. I may change this preference by
7 filing a subsequent contact preference form with the state
8 registrar." (3) "I do not want to be contacted; however,
9 my personally identifiable information may be released if
10 requested in accordance with Iowa Code section 144.24A. I
11 have completed this contact preference form and am filing the
12 form with the state registrar. I may change this preference
13 by filing a subsequent contact preference form with the state
14 registrar." The contact preference form is to be provided to
15 an individual who is in the process of terminating parental
16 rights and is to be attached to a release of custody and
17 the termination of parental rights order, which in turn is
18 attached to the adoption petition and the adoption decree.
19 A certified copy of the adoption decree, including any copy
20 of the contact preference form, is to be sent to the state
21 registrar for the purpose of, in addition to the preparation
22 of a new birth certificate, attaching the contact preference
23 form to the original certificate of birth. The bill directs
24 the state registrar to adopt rules pursuant to Code chapter
25 17A to administer the provisions of the bill including rules
26 relating to fees for issuance of the noncertified copy of the
27 original certificate of birth, the application form and proof
28 of identification requirements relative to application for a
29 noncertified copy of an original certificate of birth, and
30 the contact preference form. Fees established are subject to
31 Code section 144.46 including provisions requiring that fees
32 collected are to be deposited in the general fund of the state
33 and the vital records fund in accordance with an apportionment
34 established by rule.

35 The bill includes conforming changes in the Code. The

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1 bill provides an exception to the provisions and penalties
2 relating to the opening of papers and records pertaining to a
3 termination of parental rights or an adoption, to allow for
4 access to the original certificate of birth by an adult adopted
5 person consistent with the bill.